

**UTAH PERFORMANCE ASSESSMENT SYSTEM  
FOR STUDENTS (U-PASS) AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Performance Assessment System for Students (U-PASS) by allowing the use of online computer adaptive tests, extending a pilot assessment system, and eliminating certain tests.

**Highlighted Provisions:**

This bill:

- ▶ provides for the statewide assessment of students in grades 2-12 in basic skills courses using criterion-referenced tests or online computer adaptive tests, as determined by the State Board of Education;
- ▶ allows the State Board of Education to exempt a school district or charter school from one or more of the Utah Performance Assessment System for Students (U-PASS) testing requirements if the school district or charter school pilots an assessment system that incorporates certain assessments;
- ▶ eliminates a cap on the number of school districts and charter schools that may participate in a pilot assessment system;
- ▶ extends the pilot assessment systems through July 1, 2015;
- ▶ eliminates the requirement to administer a statewide norm-referenced test in grades 3, 5, and 8; and
- ▶ makes technical amendments.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

32           **53A-1-602**, as last amended by Laws of Utah 2009, Chapter 300  
33           **53A-1-603**, as last amended by Laws of Utah 2009, Chapter 300  
34           **53A-1-604**, as last amended by Laws of Utah 2009, Chapter 300  
35           **53A-1-605**, as last amended by Laws of Utah 2009, Chapter 300  
36           **53A-3-602.5**, as last amended by Laws of Utah 2009, Chapters 299 and 300  
37           **63I-2-253**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

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39   *Be it enacted by the Legislature of the state of Utah:*

40           Section 1. Section **53A-1-602** is amended to read:

41           **53A-1-602. Definitions.**

42           As used in this part:

43           ~~[(1) (a) "Achievement test" means a standardized test which measures or attempts to~~  
44 ~~measure the level of performance which a student has attained in one or more courses of~~  
45 ~~study.]~~

46           ~~[(b) "Achievement test" includes a norm-referenced or criterion-referenced test.]~~

47           ~~[(2)]~~ (1) "Basic skills course" means a subject which requires mastery of specific  
48 functions, as defined under rules made by the State Board of Education, to include reading,  
49 language arts, mathematics through intermediate algebra, science, in grades 4 through 12, and  
50 effectiveness of written expression.

51           ~~[(3)]~~ (2) "Utah Performance Assessment System for Students" or "U-PASS" means:

52           ~~[(a) systematic norm-referenced achievement testing of all students in grades 3, 5, and~~  
53 ~~8 required by this part in all schools within each school district by means of tests designated by~~  
54 ~~the State Board of Education;]~~

55           ~~[(b)]~~ (a) as determined by the State Board of Education, criterion-referenced  
56 achievement testing or online computer adaptive testing of students in grades 2 through 12 in  
57 basic skills courses;

58           ~~[(c)]~~ (b) an online writing assessment in grades 5 and 8;

59           ~~[(d)]~~ (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611;

60           ~~[(e)]~~ (d) the use of student behavior indicators in assessing student performance; and

61           ~~[(f)]~~ (e) [beginning with the 2007-08 school year,] testing of students in grade 3 to  
62 measure reading grade level.

Section 2. Section **53A-1-603** is amended to read:

**53A-1-603. Duties of State Board of Education.**

(1) Except as provided in Subsection (5), the State Board of Education shall:

(a) require each school district and charter school to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced [~~and norm-referenced~~] achievement tests or online computer adaptive tests, a tenth grade basic skills competency test, an online writing assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for approval and adoption and distribution to each school district and charter school by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 2 through 12 in mastering basic skills courses; and

(d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.

(2) Except as provided in Subsection (5), under U-PASS, the state office shall annually require that each district and charter school, as applicable, administer:

~~[(a)] a statewide norm-referenced test to all students in grades 3, 5, and 8;~~

~~[(b)]~~ (a) as determined by the State Board of Education, statewide criterion-referenced tests or online computer adaptive tests in grades 2 through 12 and courses in basic skill areas of the core curriculum;

~~[(c)]~~ (b) an online writing assessment to all students in grades 5 and 8;

~~[(d)]~~ (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

~~[(e)]~~ (d) a test to all students in grade 3 to measure reading grade level.

(3) The board shall adopt rules for the conduct and administration of U-PASS to include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of criterion-referenced, online computer adaptive, and online writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects;

(iii) a teacher to review, prior to the beginning of a new school year, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year; and

(iv) allowing a school district or charter school to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS; and

(e) providing that:

(i) scores on the tests and assessments required under Subsection (2)(b) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level; and

(ii) the student's score on the tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

(4) The State Board of Education shall consider administering the basic skills competency test on a Saturday to preserve instructional time.

(5) (a) The State Board of Education may exempt a school district or charter school from the testing requirements specified in Subsection (2) if:

(i) the school district or charter school pilots an assessment system that incorporates the following:

(i) (A) online classroom-based assessment that utilizes adaptive testing ~~in all~~

125 grades];  
126 ~~[(ii)]~~ (B) online writing assessments in grades 4 through 12; ~~[and]~~ or  
127 ~~[(iii)]~~ (C) assessments administered in grades 8, 10, and 11 to determine readiness for  
128 postsecondary education[-];

129 (ii) the State Board of Education approves the specific assessment administered under  
130 Subsection (5)(a)(i) and the assessment provider; and

131 (iii) the school district or charter school verifies the local fiscal capability and  
132 resources needed to participate in the pilot assessment system.

133 (b) A school district or charter school that receives an exemption under Subsection  
134 (5)(a) is subject to an accountability plan and high school graduation standards that are:

135 (i) based on the school district's or charter school's assessment system, which may  
136 include assessments described in Subsection (2) or Subsections (5)(a)(i) through (iii); and

137 (ii) developed and adopted by the State Board of Education.

138 (c) By the November ~~[2009]~~ 2014 meeting of the Education Interim Committee, the  
139 State Board of Education shall submit recommendations to the committee on the state's  
140 assessment system.

141 ~~[(d) The State Board of Education may only provide the following exemptions under~~  
142 ~~this Subsection (5):]~~

143 ~~[(i) up to three rural school districts;]~~

144 ~~[(ii) up to two urban school districts; and]~~

145 ~~[(iii) up to five charter schools.]~~

146 (6) (a) A school district or charter school, as applicable, is encouraged to administer an  
147 online writing assessment to students in grade 11.

148 (b) The State Board of Education may award a grant to a school district or charter  
149 school to pay for an online writing assessment and instruction program that may be used to  
150 assess the writing of students in grade 11.

151 Section 3. Section **53A-1-604** is amended to read:

152 **53A-1-604. Test development, publication, and administration.**

153 (1) The State Board of Education shall develop, publish, and administer  
154 criterion-referenced tests and ~~[other assessments referred to in Subsections 53A-1-603(2)(c)~~  
155 ~~and (d) of its own devising and incorporate a norm-referenced test into U-PASS]~~ a tenth grade

156 basic skills competency test.

157 (2) The board may use the expert services of any ~~[persons or groups of persons]~~ person  
158 in the public or private sector in:

159 (a) evaluating current tests and assessment programs~~[-in]; or~~

160 (b) developing, publishing, and administering new tests~~[-or both].~~

161 Section 4. Section **53A-1-605** is amended to read:

162 **53A-1-605. Analysis of results -- Staff professional development.**

163 (1) The State Board of Education, through the state superintendent of public  
164 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels  
165 and courses required under Section 53A-1-603 and the student behavior indicators referred to  
166 in ~~[Subsection]~~ Section 53A-1-602~~[(3)]~~.

167 (2) The plan shall include components designed to:

168 (a) assist school districts and individual schools to use the results of the analysis in  
169 planning, evaluating, and enhancing programs ~~[within the district]; and~~

170 (b) ~~[for the 2003-04 school year and for each year thereafter;]~~ identify schools not  
171 achieving state-established acceptable levels of student performance in order to assist those  
172 schools in raising their student performance levels.

173 (3) The plan shall include provisions for statistical reporting of ~~[data as follows: (a)~~  
174 ~~norm-referenced tests results shall be reported at the state, district, school, and grade levels;~~  
175 ~~and shall include actual levels of performance on tests; and (b)]~~ criterion-referenced ~~[tests]~~ or  
176 online computer adaptive test results ~~[shall be reported]~~ at state, school district, school, and  
177 grade or course levels, and shall include actual levels of performance on tests.

178 (4) Each local school board and charter school governing board shall provide for:

179 (a) ~~[district]~~ evaluation of the U-PASS test results and use of the evaluations in setting  
180 goals and establishing programs ~~[for the district and each school within the district]; and~~

181 (b) a professional development program that provides teachers, principals, and other  
182 professional staff ~~[employed by the school district]~~ with the training required to successfully  
183 establish and maintain U-PASS.

184 Section 5. Section **53A-3-602.5** is amended to read:

185 **53A-3-602.5. School performance report -- Components -- Annual filing.**

186 (1) The State Board of Education in collaboration with the state's school districts and

187 charter schools shall develop a school performance report to inform the state's residents of the  
188 quality of schools and the educational achievement of students in the state's public education  
189 system.

190 (2) The report shall be written and include the following statistical data for each school  
191 in ~~[each]~~ a school district and each charter school, as applicable, except as provided by  
192 Subsection (2)(g), and shall also aggregate the data at the school district and state level:

193 (a) ~~[except as provided in Subsection (2)(a)(ii),]~~ test scores over the previous year on:

194 ~~[(i) norm-referenced achievement tests;]~~

195 ~~[(ii)]~~ (i) criterion-referenced or online computer adaptive tests to include the scores  
196 aggregated for all students:

197 (A) by grade level or course for the previous two years and an indication of whether  
198 there was a sufficient magnitude of gain in the scores between the two years; and

199 (B) by class;

200 ~~[(iii)]~~ (ii) online writing assessments required under Section 53A-1-603; and

201 ~~[(iv)]~~ (iii) tenth grade basic skills competency tests required under Section 53A-1-603;

202 (b) college entrance examinations data, including the number and percentage of each  
203 graduating class taking the examinations for the previous four years;

204 (c) advanced placement and concurrent enrollment data, including:

205 (i) the number of students taking advanced placement and concurrent enrollment  
206 courses;

207 (ii) the number and percent of students taking a specific advanced placement course  
208 who take advanced placement tests to receive college credit for the course;

209 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and  
210 percent who pass the test; and

211 (iv) of those students taking a concurrent enrollment course, the number and percent of  
212 those who receive college credit for the course;

213 (d) the number and percent of students in grade 3 reading at or above grade level;

214 (e) the number and percent of students who were absent from school ten days or more  
215 during the school year;

216 (f) achievement gaps that reflect the differences in achievement of various student  
217 groups as defined by State Board of Education rule;

(g) the number and percent of "student dropouts" within the school district as defined by State Board of Education rule;

(h) course-taking patterns and trends in secondary schools;

(i) student mobility;

(j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area and the number and percent of staff who have a graduate degree;

(k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher conferences;

(l) average class size by grade level and subject;

(m) average daily attendance as defined by State Board of Education rule, including every period in secondary schools; and

(n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch.

(3) The State Board of Education, in collaboration with the state's school districts and charter schools, shall provide for the collection and electronic reporting of the following data for ~~each~~ a school in each school district and each charter school:

(a) test scores and trends over the previous four years on the tests referred to in Subsection (2)(a);

(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criteria-referenced or online computer adaptive tests are required under Section 53A-1-603;

(c) incidents of student discipline as defined by State Board of Education rule, including suspensions, expulsions, and court referrals; and

(d) the number and percent of students receiving fee waivers and the total dollar amount of fees waived.

(4) (a) (i) The State Board of Education shall adopt common definitions and data collection procedures for local school boards and charter schools to use in collecting and forwarding the data required under Subsections (2) and (3) to the state superintendent of public instruction.

(ii) Average class size by grade and subject shall be calculated for the purposes of



Subsection (2)(l) in accordance with the following:

(A) for kindergarten through grade six, average class size by grade shall be calculated by dividing grade membership on October 1 by the number of classes in the corresponding grade; and

(B) for grades seven through twelve, average class size shall be calculated for core language arts, mathematics, and science courses by dividing membership on October 1 in core language arts, mathematics, or science course classes by the number of classes for the corresponding course.

(b) The ~~[state board]~~ State Board of Education, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts and charter schools.

(c) The state superintendent shall use the automated decision support system referred to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

(5) The ~~[state board]~~ State Board of Education, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(6) (a) Each local school board and each charter school shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district or charter school in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district or charter school before November 30th of each year.

(b) Each local school board, each charter school, and the ~~[state board]~~ State Board of Education shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Section 6. Section **63I-2-253** is amended to read:

**63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

(1) Section 53A-1-403.5 is repealed July 1, 2012.

(2) Subsection 53A-1-603(5) is repealed July 1, ~~[2010]~~ 2015.

(3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

~~[(4) Section 53A-3-702 is repealed July 1, 2008.]~~

~~[(5) Section 53A-6-112 is repealed July 1, 2009.]~~

- 280            [~~(6)~~] (4) Subsection 53A-13-110[~~(3)~~](4) is repealed July 1, 2013.
- 281            [~~(7)~~] (5) Section 53A-17a-152 is repealed July 1, 2010.
- 282            [~~(8)~~] (6) Section 53A-17a-162 is repealed July 1, 2012.

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**Legislative Review Note**  
**as of 10-26-09 10:23 AM**

**Office of Legislative Research and General Counsel**